

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Stearns & Maresh

Title: ELLIPTICAL EXERCISE METHODS AND APPARATUS

DECLARATION OF INVENTORSHIP AND POWER OF ATTORNEY

Having been warned that willful false statements and the like are punishable by fine and/or imprisonment under Section 1001 of Title 18 of the United States Code, and that willful false statements and the like may jeopardize the validity of the above-identified patent application and any resulting patent, I hereby declare that:

My residence, citizenship, and post office address are as stated below;

I am a joint inventor of the claimed invention;

I have reviewed and understand the contents of the above-identified patent application, including the claims;

I believe I am the original and first inventor of the subject matter which is claimed in the above-identified patent application;

I believe this application is entitled to the filing dates of the following applications:

U.S. Patent Application Ser. No. 09/638,099, filed on August 11, 2000, which is

(1) a continuation-in-part of U.S. Patent Application Ser. No. 09/072,765, filed on May 5, 1998 (now U.S. Pat. No. 6,171,215), which in turn, is a continuation-in-part of both U.S. Patent Application Ser. No. 08/839,990, filed on April 24, 1997 (now U.S. Pat. No. 5,893,820), and U.S. Patent Application Ser. No.

09/064,393, filed on April 22, 1998 (now U.S. Pat. No. 5,882,281), the latter of which, in turn, is a continuation-in-part of U.S. Patent Application Ser. No. 08/839,991, filed on April 24, 1997 (now U.S. Pat. No. 5,803,871); and

(2) a continuation-in-part of U.S. Patent Application Ser. No. 09/678,352, filed on October 3, 2000, which is a continuation of U.S. Patent Application Ser. No. 09/066,143, filed on April 24, 1998 (U.S. Pat. No. 6,126,574), which in turn, is a continuation-in-part of U.S. Patent Application Ser. No. 08/839,991, filed on April 24, 1997 (U.S. Pat. No. 5,803,871); and

(3) a continuation-in-part of U.S. Patent Application Ser. No. 09/510,029, filed on February 22, 2000 (now U.S. Pat. No. 6,338,698), which in turn, is a continuation of U.S. Patent Application Ser. No. 09/064,368, filed on April 22, 1998 (now U.S. Pat. No. 6,027,431), which in turn, is a continuation-in-part of U.S. Patent Application Ser. No. 08/949,508, filed on October 14, 1997 (now abandoned); and

(4) discloses subject matter entitled to the earlier filing date of U.S. Provisional Application Ser. No. 60/148,304, filed on August 11, 1999.

I acknowledge the duty to disclose information which may be material to the examination of the above-identified patent application in accordance with 37 C.F.R. 1.56(a), including material which became available subsequent to the filing dates of the parent applications; and

All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true.

I hereby appoint Mark A. Krull, Reg. No. 34,205, as my representative in the above-identified patent application, with full power to handle all matters regarding said application; and I request that all correspondence be directed to him at the address and/or telephone number set forth below:

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